

Page 6

REMARKS/ARGUMENTS

The Examiner's thoroughness in reviewing the specification and claims is appreciated.

Regarding the drawings, the Examiner noted that the drawings do not show electrical components and a battery supply as required according to claim 1. In this regard, the Examiner is directed to page 8 of the application and Figure 5. The specification refers to the two batteries 56 which provides power for the printed circuit board 54 associated with the key mat 52. It is respectfully submitted that the detailed description of the preferred embodiment referred to on page 8 and shown in Figure 5 provide full support for electrical components and a batter supply as required according to claim 1. As such, no amendments have been made with respect to the drawings.

Clarifying amendments have been made with respect to the claims. Claim 1 has been amended to include the subject matter of former dependent claim 4 that has now been cancelled.

Previous claims 1 through 4, and 6 through 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.P. 4,908,604 (Jacob) in view of USP 4,855,746 (Stacy). Reconsideration of this rejection is requested.

Jacob discloses a remote control means 18 which according to the abstract includes a slidable protective cover to prevent accidental depression of the arming button 20 or the disarming button 22. It can be seen from Figure 1 that the unlabelled cover is slidable within the central recess and only partially covers the recess which includes the keys 20 and 22. It appears the sliding cover is of an area to cover the keys but the cover cannot expose all of the keys in an open position.

Page 7

Thus according to the Jacob reference, the slidable shield as asserted by the Examiner cannot expose the keys for actuation.

The secondary reference of Stacy discloses an upper cover 18 that is slidable over a lower cover 20. These two covers cooperate to protect the cut out 16 and the keys therebelow. As noted by the Examiner, this product is directed to a remote control entertainment unit and is not directed to a key fob as required according to claim 1 of the present application. Furthermore, claim 1 has been amended to state that the top surface of the key fob has an area adjacent the key area of a size at least equal to said key area such that the shield in the open position overlies the adjacent area. This is not the case according to the cited combination and in fact is in contradiction to the principles of each reference.

Both the primary reference of Jacob and the secondary reference of Stacy use small covers located within the key recess where the covers are movable within the key recess for partial covering of some of the keys in the key area. There is no consideration of a key fob which has been designed to provide a key area on the top surface in combination with an adjacent area that the shield overlaps with in the open position. The slidable shield of the claimed invention is movable in a closed position to fully cover the key area and in the open position remains on the top surface of the key fob and overlies the adjacent area. It is clear that each of the primary and secondary references do not operate on this basis and use small slide covers which move within a key area and cannot move to an open position as required by amended claim 1.

Furthermore, there is no incentive to change the primary reference of Jacob, as Jacob already had a sliding cover for covering of the actuation key. It is only based on hindsight and with knowledge of the key fob disclosed in the present

Page 8

application that one would depart from the principles of both the primary and secondary reference in an attempt to arrive at the claimed combination. This is not the proper test of obviousness.

The passage bridging column 2 and 3 of the Stacy reference refers to electrical actuation switches which are actuated by movement of the upper cover 18 or the lower cover 20. The passage is not directed to the slide tracks of the cover. As the Examiner can appreciate, claim 1 is directed to the combination of the particular key area and the adjacent area and neither of the references operates in this manner. Furthermore, if one considers these references in their entirety, covers are designed for only covering some of the keys. This must be the case as the covers are all slidable within the key recess. In Jacob the primary reference, the cover can move to one side to expose one key and move to the other side to expose the second key. In the Stacy reference, each cover only overlies some of the keys and the two covers of Stacy must slide under one another to expose any keys. Thus the principles of both the primary and the secondary reference are in direct contradiction to the key fob and sliding cover as claimed.

Although claim 1 has been amended to include the restriction of former claim 4, claim 4 was rejected on the combination of Jacob and Stacy and therefore, this amendment has not raised any new issues.

The passage of Stacey, column 2, lines 20 through 38, further supports applicant's position that Stacey requires a unique cooperation of two sliding covers which is not found in the present application. In all embodiments of Stacy, these sliding covers are retained in a recessed key area and cannot move beyond the recess key area. The only ability to expose keys is by overlapping of the two covers. Thus, according to the Stacy reference, two sliding covers which can slide under one

Page 9

another are required. This is in direct contradiction to the principles claimed in the present case where there is a unique cooperation of the slideable shield movable between the two distinct areas claimed and beyond the key area.

Reconsideration of the rejection of claims 1 through 11 is requested.

Claims 12 through 21 were rejected over U.S. Patent 4,908,604 (Jacob) in view of USP 4,855,746 (Stacy) and further in view of USP 5,956,625 (Hansen et al). Hansen et al is cited as allegedly to disclosing a curved shield.

The purpose of the gently curved upper surface of the shield member of the present application is with respect to the retention of the shield member across the top surface and in a preferred embodiment, the flexing of the shield to assist in moving past the stop cams when the shield is moved between the open and closed positions. The flexing of the shield assists in the shield being able to deflect outwardly and slide past the cam members.

It is noted that claim 12 is dependent upon claim 9 which requires that each slide track on the key fob is an elongate recess and that the shield member includes on each side thereof inwardly extending slide members which are received and retained in the elongate recesses of the housing. Note that the shield member requires inwardly extending slide members and not outwardly extending slide members. Each of the covers in the primary reference of Jacob and the secondary reference of Stacy require covers where an edge region extends outwardly and is received into slots on either side of the recessed key area. Inwardly directed sliding members of the shield cannot cooperate with these slots in the recessed key area.

Page 10

Hansen et al United States Patent 5,956,625, does disclose a sliding cover having inwardly directed slide members which cooperate with slide tracks in the base unit of the phone. However, the reference additionally requires a cover which extends well beyond the body of the phone and as stated in the present application, this type of arrangement is subject to damage. If one was to attempt to combine the Hansen cover with either of the primary or secondary references, it is respectfully submitted that the slides would be provided on the exterior of the cover as the covers of both the primary and secondary reference are retained within the key recessed area. If one was to take the concept of the Hansen patent where the cover is slidable on the exterior of the housing, then a cover would be provided with respect to the primary or the secondary reference that moves to an extended open position well beyond the telephone housing or the key fob in direct contradiction to the present case.

The Examiner has also referred to column 4, lines 50 through 57 of the Hansen reference that allegedly support a curved shield as required by certain claims. Applicant disagrees with the interpretation of this passage of Hansen, column 4, lines 50 through 57, describes the electrical contacts associated with the slide shoes 21 and the cooperation of these electrical contacts with the cover. There is no suggestion or disclosure in the Hansen reference of flexing of the cover, in fact the cover of Hansen would be difficult to flex due to its closed end 40. Furthermore, it is important according to the Hansen reference not to have a flexible cover as the cover would be prone to being separated from the phone due to its extended position when opened.

Furthermore, the reference to the curve in the Hansen reference, the bottom of column 1 and the top of column 2, is with respect to the curvature of the slide tracks. There is no

Page 11

discussion of the required cover having the curvature and in fact, it appears the cover of Hansen is actually somewhat recessed. The curved portion is with respect to the fact that the slide tracks in the phone on the sides of the phone, and the slide tracks and the cover are slightly curved to allow the cover to follow the curvature of the phone. If one was to place the phone of Figure 3 upside down on a flat surface, the center keys would be raised off the surface. The curvature of the slide tracks can be appreciated from Figures 3, 5 and 7. It is respectfully submitted that the curvature in Hansen is with respect to the displacement of the cover 2 and the housing 3 to follow a circular arc. This is clearly stated in column 3, lines 15 through 25.

With respect to column 4, lines 50 through 57, the Examiner's attention is also directed to column 4, lines 35 through 49 where the electrical connector means 20 the micro switch actuator 29 and the slide shoes 21 are described in detail. A careful review of this passage will confirm applicant's position that all of these passages are with respect to an electrical switch and not the cooperative design of the slidable shield and the housing.

The Examiner is also referred to column 4 and the transition between column 4 and column 5. Once again, this is with respect to three positions which are three electrical sensing positions. This passage is believed to be only of interest.

Reconsideration of claim 5 is also requested. This claim is rejected as obvious over Jacob, Stacy and further in view of USP 5,388,691 (White).

The passage of White bridging column 2 and column 3 is with respect to the beveled edges 22 and 23. These beveled edges

Page 12

are to provide a transition in the edge region but there is no disclosure and certainly no teaching of the top surface of a key fob having a slightly curved design with this curve being consistent in the length of the top surface. Furthermore, a curved top surface as disclosed in the present application is in contradiction to the sunken key recesses of both the primary and secondary reference. At best, the combination of White and the secondary and primary reference merely states that the edges of the final product would be beveled. There is certainly no teaching that the top surface and the shield should be curved and in fact, such curved surfaces are in contradiction to the flat sliding members which are the only sliding surfaces disclosed in any of the three references. It is respectfully submitted that this combination of prior art references has only been accomplished through a careful selection process based on the present disclosure and there is no suggestion, let alone teaching in these references when considered in their entirety to make the extensive modifications necessary to arrive at the claimed combination. It is noted that one of the primary features of the White reference is a separate case for receiving a remote actuator and it is not a key fob itself.

In view of the above, reconsideration and allowance of the application is requested.

Respectfully submitted,



Agent on behalf of Applicant
S. Warren Hall
Registration No. 30,350
(416) 368-8313

WH/sdw